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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/471,577	12/23/99	LUDWIG L	VISN-007/03U

EXAMINER	
ENG, G	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/471,577	Ludwig
Examiner	**Group Art Unit**
George Eng	2643

☒ Responsive to communication(s) filed on *Oct 4, 2000*

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-16* is/are pending in the applicat

Of the above, claim(s) *4-16* is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-3* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Election/Restriction

1. Claims 4-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

2. Applicant's election with traverse of Group I in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the field of search for the claims is identical on the basis of the common structures in limitations (a)-(c) of all the claims. This is not found persuasive because each groups are distinct from each other such that Group I is related to a multimedia central office being configured to combine caller image into a mosaic image, Group II is related to a multimedia central office being configured store multimedia signals for subsequent retrieval and play-back, Group III is related to a multimedia central office being configured to process a call based on which capabilities are associated with the workstation associated with a first user, Group IV is related to a multimedia central office being configured to provide a user with an option of accepting an incoming call, and Group V is related to a multimedia central office being configured to route a call to a workstation at which user is logged in. Although all the independent claims contain similar structures in limitations (a)-(c), they are independent or distinct because they are not disclosed as capable of use together such that they have different modes of operation, different functions or different effect, i.e., Group I related

to a multimedia central office being configured to combined captured video images into a mosaic image for reproduction is clearly different from Group III related to a multimedia central office being configured to process a call based on which capabilities are associated with the workstation associated with a first user.

The requirement is still deemed proper and is therefore made FINAL.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,751,338 (hereinafter Ludwig) in view of U.S. Patent No. 5,382,972 (hereinafter Kannes).

Regarding claim 1, Ludwig discloses a system for providing multimedia telecommunication services to a plurality of multimedia workstations comprising a public digital telephone network, a plurality of user workstation, and a multimedia central office in communication with the public digital telephone network for transceiving audio, video and digital data signals to and from the public digital telephone network to provide multimedia telecommunication services, wherein the multimedia central office being coupled at least one other workstations not associated with the public digital telephone network, i.e., a telephone loop plant (col. 43 line 46 through col. 44 line 6). Ludwig differs from the claimed invention in not specifically teaching the multimedia central office being configured to combine captured video image of at least three users into a mosaic image for reproduction at a workstation of at least one user. However, Kannes teaches a conference system for interactive video, as well as audio, communication including a composite video signal generation means for combining captured video image into a mosaic image for reproduction (figures 4A-4B and col. 10 line 24 through col. 11 line 44). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ludwig in having the multimedia central office being configured to combine captured video image of at least three users into a mosaic image for reproduction at a workstation of at least one user, as per teaching of Kannes, because it allows tremendous equipment cost savings.

5. Claims 1-3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,081,291 (hereinafter Ludwig) in view of U.S. Patent No. 5,382,972 (hereinafter Kannes).

Regarding claim 1, Ludwig discloses a system for providing multimedia telecommunication services to a plurality of multimedia workstations comprising a public digital telephone network, a plurality of user workstation, and a multimedia central office in communication with the public digital telephone network for transceiving audio, video and digital data signals to and from the public digital telephone network to provide multimedia telecommunication services, wherein the multimedia central office being coupled at least one other workstations not associated with the public digital telephone network, i.e., a telephone loop plant (col. 43 line 52 through col. 44 line 6). Ludwig differs from the claimed invention in not specifically teaching the multimedia central office being configured to combine captured video image of at least three users into a mosaic image for reproduction at a workstation of at least one user. However, Kannes teaches a conference system for interactive video, as well as audio, communication including a composite video signal generation means for combining captured video image into a mosaic image for reproduction (figures 4A-4B and col. 10 line 24 through col. 11 line 44). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ludwig in having the multimedia central office being configured to combine captured video image of at least three users into a mosaic image for reproduction at a workstation of at least one user, as per teaching of Kannes, because it allows tremendous equipment cost savings.

Claim Rejections - 35 U.S.C. § 112

6. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the term "and/or" is vague and indefinite. Claims 2-3 are also rejected because of depending on claim 1 containing the same deficiency.

Claim Rejections - 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedell et al. (US PAT. 5,491,508 hereinafter Friedell).

Regarding claim 1, Friedell disclose a system for providing video communication services (i.e., video conference), comprising a first premises network (i.e., a video conferencing network), a plurality of workstations (10) interconnected by the first premises network and including at least

video and audio capture and reproduction capabilities and video sink and display capabilities (figures 1-2 and col. 3 lines 20-41), a multimedia central office (i.e., a local hub 14) in communication with the first premises network for transceiving audio, video and digital data signals originated at or destined for at least one of user workstation to and from the first premises network to provides video communication services, wherein the local coupled to at least one other workstations associated with a neighboring hub which is not associated with the first premises network of the local hub and configured to combine captured video images of at least three users into a composite image of repoduction at a workstation of at least one user (col. 3 line 58 through col. 4 line 4 and col. 8 lines 10-46).

Regarding claim 2, Friedell teaches that the composite image is a combination of at least one first premises user's image and the image of a user of the other workstation (col. 8 lines 13-17).

Regarding claim 3, Friedell teaches the hub in use to providing aggregation of demand for telecommunication services to groups of subscribers (col. 3 line 58 through col. 4 line 65).

Claim Rejections - 35 U.S.C. § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng et al. (US PAT. 5,473,363 hereinafter Ng) in view of Kannes (US PAT. 5,382,972).

Regarding claim 1, Ng discloses a system for providing video communication services comprising a plurality of workstations (i.e., 102-108) interconnected by a first premises network including at least video and audio capture and reproduction capabilities and video sink and display capabilities and a bridge 120 as a multimedia central office in communication with the first premises network for transceiving audio, video and digital data signals originated at or destined for at least one of user workstation to and from the first premises network to provides video communication services, wherein the bridge further being coupled to at least one other workstation (i.e., 110) not associated with the first premises network (figure 1 and col. 2 lines 21-39). Ng differs from the claimed invention in not specifically teaching the multimedia central office being configured to combine captured video image of at least three users into a mosaic image for reproduction at a workstation of at least one user. However, Kannes teaches a conference system for interactive video, as well as audio, communication including a composite video signal generation means for combining captured video image into a mosaic image for reproduction (figures 4A-4B and col. 10 line 24 through col. 11 line 44). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ng in being configured to combine captured video image of at least three users into a mosaic image for reproduction at a workstation of at least one user, as per teaching of Kannes, because it allows tremendous equipment cost savings.

Regarding claim 2, Kannes teaches the mosaic image is a combination of at least one first premises user's image and the image of a user of other workstation (col. 8 lines 22-37).

Regarding claim 3, Ng teaches each bridge coupled to a digital network for processing encoded information including audio video and data, and in use providing aggregation of demand for telecommunication services to groups of subscribers at different premises (col. 2 lines 21-32).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flohr (US PAT. 5,374,952) discloses a video conference network for providing a multimedia communication facility for a digital computer workstation which enable the workstation to participate flexibility in multimedia exchanges with media terminals on a network (col. 4 line 64 through col. 6 line 66).

12. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

GEORGE ENG

January 4, 2001